

REMARKS/ARGUMENTS

Applicants submit a Supplemental Amendment in light of the Office Action dated April 18, 2006 and responsive Preliminary Amendment previously filed May 18, 2007. It is noted that the recitations amended by this Supplemental Amendment were previously added by the Preliminary Amendment filed May 18, 2007 and are treated as though they have been entered for purposes of this Supplemental Amendment. Applicants have amended Claims 1, 5, and 14-17, and Claims 19-21 have been added. Based upon the attached 37 C.F.R. §1.131 Declaration and following remarks, Applicants respectfully traverse the rejection of the claims under §103(a). Therefore, in light of the amendments to the claims, the Declaration, and subsequent remarks, Applicants respectfully request reconsideration and allowance of the present application.

As indicated above, a 37 C.F.R. §1.131 Declaration signed by the Applicants is attached to "swear behind" U.S. Patent Application Publication No. 2002/0072937 to Domenick et al., and the Applicants respectfully submit that the Rule 131 Declaration presented is sufficient to overcome the rejections under 35 U.S.C. §103(a) in the Official Action. The Rule 131 Declaration demonstrates that the Applicants actually reduced an embodiment of the claimed invention to practice prior to the effective filing date of Domenick. Therefore, Domenick cannot be cited against the present application as prior art under 35 U.S.C. §103(a).

Actual reduction to practice requires that: 1) the party constructed an embodiment or performed a process as recited by the claimed invention; and 2) the embodiment or process operated for its intended purpose. Exhibits 1-5 substantiate that the Applicants constructed a prototype that worked for its intended purpose prior to June 20, 2000, the effective filing date of Domenick. In particular, Exhibits 1-5 disclose the method and system of certain embodiments of each of independent Claims 1 and 14 of the present application (see Declaration, ¶ 5). With respect to independent Claim 1, Exhibits 1-5 disclose: (i) receiving a request identifying an interest in a set of items, (ii) identifying potential providers that are each capable of providing items that may satisfy the identified interest in response to receiving the request, (iii) packaging multiple items from a plurality of different providers selected from the potential providers into a package of items in response to receiving the request and based upon preset financial arrangements with or between the respective potential providers, and (iv) providing information

reflecting the package of items in response to the request. In addition, Exhibits 1-5 disclose the system of independent Claim 14, which includes a package request processor for receiving a request identifying an interest in a set of items, and an item/provider database for performing similar functions as that of Claim 1.

Furthermore, Exhibits 1-5 disclose that the method and system of embodiments of at least independent Claims 1 and 14 of the present application were reduced to practice in the form of software that worked for its intended purpose (see Declaration, ¶ 6). Namely, Exhibit 1 illustrates that a user was capable of selecting an interest in obtaining information for one or more travel products on a web page, such as air travel, hotel accommodations, and rental car. Exhibits 2-4 demonstrate that the user was capable of entering specific criteria for each travel product on a respective web page, such as departure and return city/airport, departure and return dates, and departure and return times for air travel. Moreover, Exhibit 5 shows that a plurality of products could be packaged together and provided to the user on a web page based on the user's criteria, such as a package for \$429 that includes airfare with American Airlines between Dallas/Fort Worth and Las Vegas, hotel accommodations at the Mandalay Bay Resort and Casino, and a rental car from Alamo. In addition, Exhibit 5 demonstrates that there could be a financial arrangement between providers, such as American Airlines and the Mandalay Bay Resort and Casino, wherein the traveler would be offered 500 American Airlines frequent flier miles as part of a package including an American Airlines flight and the Mandalay Bay Resort and Casino.

For the forgoing reasons, Domenick may not be relied upon as prior art, and the remaining cited references do not teach or suggest the method and system of independent Claims 1 and 14 or any of the claims that depend therefrom and are not cited individually as such. Thus, the rejection of Claims 1-21 under 35 U.S.C. §103(a) is overcome.

CONCLUSION

As discussed previously, Domenick is not available as a prior art reference. Since all the rejections under 35 U.S.C. §103 are based on Domenick, Applicants respectfully request that the rejections be withdrawn. Accordingly, in view of the remarks and amendments presented above, it is respectfully submitted that Claims 1-21 of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON July 17, 2007.
LEGAL01/13051121v1